IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1576 OF 2007
IN
WRIT PETITION NO.6489 OF 2000

Balasaheb Tukaram Deshmukh ...Applicant
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.B.T. Deshmukh, applicant, present in person.

Mr.R.M. Patne, A.G.P., for Respondent Nos.1 to 3.

Mr.H.S. Khokhawala, Advocate, i/b. Nankani & Associates, for Respondent Nos.5, 6, 10, 12, 14, 15, 18, 19, 21, 23, 24, 29, 35, 42, 45, 46, 48, 51, 52, 57, 59 & 62.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 13TH AUGUST, 2007.

P.C.:

1. Heard.

2. Respondent-State and its officials have failed to file reply to the Civil Application seeking interim order in the matter.

3. The Petitioner is challenging the promotion of Respondent Nos.4 to 62 on various grounds. One of the important issue taken by the Petitioner is that Respondent-Government has issued regularization orders without taking prior consent of the M.P.S.C. in the matter of their promotions. Though M.P.S.C. is a party-respondent, they have not responded to the writ of this Court, nor anything is placed by the respondent on record to show that prior consent of the M.P.S.C.

was taken by the State before issuing the regularization orders relating to the promotions of the Respondents which are impugned in this Writ Petition.

4. We, therefore, dispose of this Civil Application with directions that the Respondent-State will not implement the regularization orders of the respondents, if no prior consent of the M.P.S.C. has been taken in the matter and in case those orders are already issued, the right conferred on the incumbents / beneficiaries of such orders would be subject to decision of this Court in the matter and the Respondents will not claim any equity on the ground that as they have been regularized, their promotion and seniority cannot be disturbed.

5. List the Writ Petition for final hearing in the week commencing from 3rd September, 2007.

[A.A. SAYED, J.] **[J.N. PATEL, J.]**